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DEC 23 2004

Technology Center 2600

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional)  42390P9918	
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 December 14, 2004  Signature <u><i>Tamara M. Simpson</i></u> Typed or printed name <u>Tamara M. Simpson</u>		In re Application of <b>Jason Hallford</b>	
		Application Number 09/735,434	Filed 12/12/2000
		For <b>DYNAMICALLY LOADING PROGRAM CODE</b>	
		Art Unit 2661	Examiner Shrader, Lawrence J
<p>Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) _____ \$500.00</p> <p><input type="checkbox"/> Applicant claims small entity status under 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: _____</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of the fee transmittal.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2666</u>. I have enclosed a duplicate copy of the fee transmittal.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.</b></p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

Based on PTO/SB/31 (08-03) as modified by Blakely, Solokoff, Taylor & Zafman (wir) 09/11/2003.  
SEND TO: Mail Stop Appeal, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

12/20/2004 FHETK11 00000014 09735434

500.00 QP

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# 1B. APPLICATION SIZE FEE

Total Sheets \_\_\_\_\_ - 100 = \_\_\_\_\_  
Extra Sheets \_\_\_\_\_ /50 = \_\_\_\_\_ \* X \_\_\_\_\_  
Fee from below \_\_\_\_\_  
Fee paid \_\_\_\_\_  
\*(round up to integer)

## Large Entity      Small Entity

Fee      Fee      Fee      Fee  
Code    (\$)    Code    (\$)  
1081    250    2081    125

## Fee Description

**Utility application size fee for each additional group of 50 sheets beyond initial 100 sheets**  
(count spec & drawings except sequences & program listings)  
1082    250    2082    125    **Design application size fee for each additional group of 50 sheets beyond initial 100 sheets**  
(count spec & drawings except sequences & program listings)  
1083    250    2083    125    **Plant application size fee for each additional group of 50 sheets beyond initial 100 sheets**  
(count spec & drawings except sequences & program listings)  
1084    250    2084    125    **Reissue application fee for each additional group of 50 sheets beyond initial 100 sheets**  
(count spec & drawings except sequences & program listings)

SUBTOTAL (2) \$ \_\_\_\_\_

# 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims \_\_\_\_\_ - 20\*\* = \_\_\_\_\_      X \_\_\_\_\_ = \_\_\_\_\_  
Independent Claims \_\_\_\_\_ - 3\*\* = \_\_\_\_\_      X \_\_\_\_\_ = \_\_\_\_\_  
Multiple Dependent \_\_\_\_\_      \_\_\_\_\_ = \_\_\_\_\_  
\*\*Or number previously paid, if greater; For Reissues, see below.

## Large Entity      Small Entity

Fee      Fee      Fee      Fee  
Code    (\$)    Code    (\$)  
1202    50    2202    25    **Claims in excess of 20**  
1201    200    2201    100    **Independent claims in excess of 3**  
1203    360    2203    180    **Multiple dependent claim, if not paid**  
1204    200    2204    100    **\*\*Reissue independent claims over original patent**  
1205    50    2205    25    **\*\*Reissue claims in excess of 20 and over original patent**

SUBTOTAL (3) \$ \_\_\_\_\_

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	1020.00
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1464	130	1460	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1463	200	1460	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1462	400	1460	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	
Other fee (specify) _____					
Other fee (specify) _____					

**SUBTOTAL (4) \$1520.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Philip Pedigo

Signature: Philip G. PedigoReg. Number: 52,107

Date: 12/14/04

Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL FOR FY 2005**

(FY 2005 Begins 10/01/2004. Fee changes made on 11/22/04 and 12/08/04 are included.)

TOTAL AMOUNT OF PAYMENT (\$) \_\_\_\_\_

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Complete if Known:

Application No. 09/735,434  
Filing Date 12/12/2000  
First Named Inventor Hallford et, al.  
Examiner Name Shrader, Lawerence J  
Art Unit 2661  
Attorney Docket No. 42390.P9918

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

- ☐ Charge fee(s) indicated below.  
☒ Credit any overpayments.  
☒ Charge any additional fees during the pendency of this application.  
☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.  
☐ Charge fee(s) indicated below except for the filing fee

**FEE CALCULATION****1A. BASIC FILING FEE/SEARCH FEE/EXAMINATION FEE**

Large Entity		Small Entity		Fee Description		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	} 1,000/500*	_____
1111	500	2111	250	Utility search fee		_____
1311	200	2311	100	Utility examination fee		_____
1012	200	2012	100	Design application filing fee	} 430/215*	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	} 660/330*	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	} 1,400/700*	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____
SUBTOTAL (1) \$						_____

\* List the filing, search, and examination fees separately, but pay concurrently.